

REMARKS

Applicant notes that the Examiner has withdrawn his earlier rejection of claims 1-3 and 14-16 under 35 U.S.C. 102(e) as anticipated by Thomas (US Patent 6,173,272) and claims 4-13 and 17-26 under 35 U.S.C. 103(c) as unpatentable over Thomas in view of Remington (US Patent 6,070,150).

In the present Action, the Examiner has rejected claims 1, 3, 8, 11, 12, 14, 16, 21 and 25 under 35 U.S.C. 102(e) as being anticipated by Kitchen et al. (US Pat. 6,289,322), has rejected claims 2 and 15 under 35 U.S.C. 103(a) as being unpatentable over Kitchen, and has rejected claims 4-7, 9, 10, 13, 17-20, 22, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kitchen further in view of Remington et al. (US Pat. 6,070,150). Reconsideration of these grounds of rejection is respectfully requested.

Kitchen requires that all bills to be paid be uploaded from the billers' websites to a server located in centralized CF station 140. The bill presentment software in CF station 140 stores the billing information and the billing templates so that they can be merged to electronically present the billing information to the payor (col. 6, lines 64 to 67). This requires that each biller enter into a contractual relationship with the centralized CF station to enable it to act as a centralized bill presentment provider on the biller's behalf.

In order to pay a bill, the payor must request the available billing related information from the CF station 140 website (col. 7, lines 57-60, col. 8, lines 1-11) which will in turn transmit to the payor the billing information provided by the biller (col. 8, lines 12-15).

The system taught in Kitchen is very similar to that of Remington et al. (US Patent 6,070,150) which was distinguished in applicant's response of March 17, 2002. Kitchen's system bears little resemblance to the invention of claim 1. In the present invention, the bills to be presented reside on numerous biller servers (14A, B & C) each being populated by individual biller's. This arrangement allows the client to access the appropriate biller server, view a particular bill and generate the payment instructions that are forwarded to a different server, specifically, the bill processing server. In the embodiment of the invention depicted in Fig. 2, the payment instructions are made using a bill payment icon 24 displayed on the bill. The client simply clicks the icon to authorize payment.

In contrast, Kitchen employs a bill presentment service, and all bills are aggregated by the CF station computer. As a result, the biller must contract out the bill presentment service. As pointed out in the discussion of Remington in the previous response, such contracting out is typically very expensive to set up and involves ongoing fees. In addition, the solution taught by Kitchen involves the passing of a business critical function to a third party bill presentment provider and also makes confidential client information available to the third party bill presentment provider. Furthermore, there are increased operational costs associated with the database maintenance and updating required to pass payment information to and from the third party bill presentment server. Finally, the biller loses marketing control over the payor as the payor does not go to the biller's website as the first point of contact.

Claim 1 includes the following limitations:

"...and wherein said at least one client computer...for receiving and viewing from said one or more biller servers said bill information and input means for selecting said means for initiating bill payment instructions;

and wherein said processor integral to said at least one client computer is responsive to said input means and causes said communication means to communicate said bill payment instructions to said bill processing server..."

Applicant submits that there is simply no disclosure in Kitchen of any process or system which uses an electronic bill format which is sent from one server, the biller server, to the customer which contains the "means to communicate [the] bill payment instructions" (e.g. the website address of the bill processing server as part of an HTML form) to automatically link to a second server, the bill processing server, upon payment authorization. This functionality is claimed in claims 1, 3, 8, 11, 12, 14, 16, 21 and 25. Accordingly, it is submitted that claims 1, 3, 8, 11, 12, 14, 16, 21 and 25 not unpatentable over Kitchen and withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

With respect to the rejection of claims 4-7, 9, 10, 13, 17-20, 22, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kitchen further in view of Remington et al., it is submitted that no combination of the teachings of Kitchen and Remington et al. render the claimed subject matter obvious. As pointed out in the previous response, Remington et al. discloses that an HTML form can be used with an independent bill presentment and payment remittance service. In this regard, Remington et al. suffers the same deficiencies as discussed above in relation to Kitchen, and in particular does not disclose any process or system which uses an electronic bill format which is sent from one server, the biller server, to the customer

which contains the means to link to a different server, the payment server, upon payment authorization.

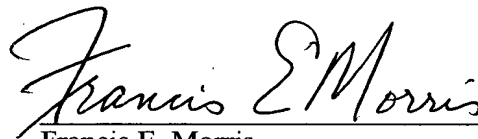
Accordingly, it is submitted that claims 4-7, 9, 10, 13, 17-20, 22, 23 and 26 are patentable over Kitchen in view of Remington et al. and withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

In view of the foregoing, applicants believe that all of the claims are now in condition for allowance and respectfully request the Examiner to pass the subject application to issue. If for any reason the Examiner believes any of the claims are not in condition for allowance, he is encouraged to phone the undersigned at (650) 849-7777 so that any remaining issues may be resolved.

No additional fee is believed due for filing this response. However, if a fee is due, please charge such fee to Pennie & Edmonds LLP's Deposit Account No. 16-1150.

Respectfully submitted,

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